

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOAO BOCK TRANSACTION	)	
SYSTEMS, LLC	)	
	)	
Plaintiff,	)	
	)	Case No. 1:12-cv-01138-SLR
v.	)	
	)	
JACK HENRY & ASSOCIATES, INC.	)	
	)	
Defendant.	)	

**JACK HENRY & ASSOCIATES, INC.’S RESPONSE  
TO JOAO BOCK TRANSACTION SYSTEMS, LLC’S  
MOTION TO SUPPLEMENT RECORD**

Jack Henry takes no position as to Joao Bock Transaction Systems’s (“JBTS”) Motion to Supplement Record. The Motion raises a moot issue and Jack Henry therefore leaves it to the Court’s discretion if supplementing the record is appropriate.

The appeal stems from the Court awarding Jack Henry award of attorney fees due to JBTS’s abusive litigation conduct. (Dkt. No. 277). While the power to supplement the record is certainly within the Court’s discretion, if JBTS cited to or relied upon the materials it now seeks to make part of the record in opposing Jack Henry’s motion for attorney fees, then such materials would already be part of the record. If these materials were not cited to or relied upon by JBTS in opposing Jack Henry’s motion, then JBTS cannot rely upon them for its appeal. *Golden Blount, Inc. v. Robert H. Peterson Co.*, 365 F.3d 1054, 1062 (Fed. Cir. 2004) (holding that party waived argument on appeal not raised before the district court.). Therefore, Jack Henry believes that JBTS’s motion is a moot issue because the materials are either part of the record or cannot be relied upon on appeal.

If the Court does allow JBTS to supplement the record with the requested materials, Jack Henry does not waive and expressly reserves any rights it may have regarding JBTS's waiver of arguments not made before this Court.

Dated: May 17, 2016

Wilmington, Delaware

Respectfully submitted,

**POLSINELLI PC**

/s/ Christopher M. Coggins

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*Attorneys for Jack Henry & Associates, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing pleading was served upon all counsel of record via the United States District Court for the District of Delaware's ECF Document Filing System on the 17<sup>th</sup> day of May, 2016.

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